IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

FIRST APPEAL NO. 399 OF 2005
WITH
FIRST APPEAL NO. 400 OF 2005
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FIRST APPEAL NO. 401 OF 2005
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FIRST APPEAL NO. 402 OF 2005
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FIRST APPEAL NO. 403 OF 2005
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WITH
FIRST APPEAL NO. 405 OF 2005

Office notes,Office	Court's or Judge's order
Memoranda of Coram, appearances,Court's orders or directions and Registrar's orders	

Mr. Manish Mestry for appellants

Mr. J. Xavier for B.M.C.

CORAM:-SMT.RANJANA DESAI, J.

DATED:- 4-3-2005

Admittedly the appellants are hawkers. The trial court has dismissed the suit.

In view of the judgment of the Supreme Court in **Maharashtra Ekta Hawkers Union & Anr. v. Municipal Corporation, Greater Mumbai**

& Ors., 2004(1) SCC 625 & unreported judgment in **Maharashtra Ekta Hawkers Union & Anr. v. Municipal Corporation, Greater Mumbai & Ors., in Civil Appeal Nos. 4156-4157 on 3/5/2004**, the trial court cannot be faulted for this. The proper remedy for the appellants is to approach the committee established by the Supreme Court.

It appears that the appellants have already approached the Committee. In view of this, these appeals are dismissed.

The appellants who have already filed their application before the Three Members Hawking Zone Committee, Western Region, R-South Ward, Kandivali on 5/2/2005 should obtain appropriate orders, if they are so advised from the said committee.

For a period of six weeks from today the respondent Corporation shall not take any coercice steps against the appellants.

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